

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

In re: Timothy M. Crowder et al.
Application Serial No. 10/595,478
Filing Date: April 21, 2006

Attn: DO/US

International Filing Date: October 26, 2004

For: **BLISTER PACKAGES AND ASSOCIATED METHODS OF FABRICATING DRY
POWDER DRUG CONTAINMENT SYSTEMS**

DATE: June 26, 2007

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §§ 1.47(a) WHERE ONE INVENTOR CANNOT BE REACHED

Sir:

The Applicants hereby petition under 37 CFR § 1.47(a) for the suspension of the signature requirements for Mark E. Ketner under 37 C.F.R. § 1.47(a) as Mr. Ketner has not been reached for signature of the Declaration. Evidence in support of this petition is provided herein.

In particular, Applicants' representative has forwarded the documents necessary for execution in the above referenced matter to Mr. Ketner for his signature to his last known address and attempted to locate a current address without success. Diligent efforts have been made to contact Mr. Ketner.

For example:

(1) a Declaration with a copy of the application were forwarded to Mr. Ketner by Dr. Paul Atkins, Chief Executive Officer of Oriel Therapeutics, the employer of Mr. Ketner at the time of the invention, via U. S. Postal Service Certified Mail on May 22, 2007, to Mr. Ketner's last known address, 3828 Doeskin Drive, Apex, NC 27539. *See* attached, a true and accurate copy of the letter from Dr. Atkins to Mr. Ketner, a copy of the certified mail receipt used to send the letter, Declaration and application, and a copy of the unopened envelope as returned by the USPS with the USPS "Return To Sender, Not Deliverable As Addressed" label.

(2) a search of WhitePages.com resulted in one logically possible address. A true and accurate copy of the screen print out showing the WhitePages.com search results is attached. A phone call was made to the number, 559 935-7550, by Ms. Rosa Lee Brinson, Legal Assistant to the undersigned, June 25, 2007. The number is associated with Coalinga Middle School. Mr. Ketner was not there.

(3) Dr. Timm Crowder contacted several individuals via telephone and/or email in an attempt to determine Mr. Ketner's current address. True and accurate copies of two emails sent by Dr. Crowder to the undersigned in support of the efforts to determine a current address are attached. The email address to Mr. Ketner's dissertation advisor at the University of North

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Carolina (Chapel Hill), the recipient of one email sent by Dr. Crowder on February 19, 2007 and non-relevant information in the email have been redacted. Also, the full name of Mr. Ketner's friend has been redacted in the other email. These emails show that Dr. Crowder called a known friend of Mr. Ketner's in graduate school, Vasu S. on or about February 19, 2007 and sent an email to Mr. Ketner's email address at UNC as well as Mr. Ketner's dissertation advisor, requesting updated contact information, all without success.

Accordingly, Applicants respectfully submit that a *bona fide* diligent attempt was made to obtain Mr. Ketner's signature on the Declaration for the above referenced matter.

Pursuant to 1.47(a), the undersigned respectfully submits that Mr. Ketner's last known address is as follows:

Mr. Mark E. Ketner
3828 Doeskin Drive
Apex, North Carolina 27539

The Declaration executed by all the other inventors is submitted with this Petition. The petition fee in the amount of \$200.00 as required by 37 CFR 1.17 may be charged to our Deposit Account 50-0220. A petition for extension of time is submitted herewith. Any additional fees or refunds associated with this transaction may be charged or overpayment credited to our Deposit Account No. 50-0220.

Respectfully submitted,



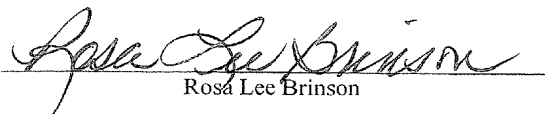
Julie H. Richardson
Registration No. 40,142
Attorney for Applicants

Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, NC 27627
Tel (919) 854-1400
Fax (919) 854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on June 26, 2007.

Signature: _____


Rosa Lee Brinson



May 21st 2007

Mr. Mark E. Ketner,
3828 Doeskin Drive,
Apex,
North Carolina, 27539

Dear Mark,

I hope you are doing well. It has been sometime since we have spoken. Please find enclosed both a Declaration and an Assignment document related to PCT application 2005/044173 filed by Oriel Therapeutics Inc. (also enclosed)

As an inventor on the patent and as part of your terms of employment by Oriel Therapeutics, you agreed to assign this patent to Oriel. Please would you sign these documents and return to me at the address below at your earliest convenience. Thank you.

Best regards,

Paul J. Atkins, Ph.D.
Chief Executive Officer

Tel: 919.313.1290
Fax: 919.313.1295

Site Address:
630 Davis Drive, Suite 120
Durham, NC 27713, USA

Mailing Address:
P.O. Box 14087
Research Triangle Park
NC 27709, USA

Web Address:
www.orieltherapeutics.com

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Total Postage & Fees	\$ 5.15	
		05/22/2007
Sent to Mark Kethner Street, Apt. No. 3828 Doestkin Dr. or PO Box No. City, State, ZIP+4 Alex NC 27537		
PS Form 3800, AUGUST 2006 See Reverse for Instructions		

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Mr. Mark Ketner

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516 Baker St
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(559) 935-7550
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13839 Hannah Rd
Bowling Green, OH 43402-9429
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called #
Coalinga Middle
School

Listing Detail

Ketner, Mark H
724 Euclid Ave
Temple, PA 19560-1541
(610) 929-0388

Listing Detail

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Name	City, State	Age	People Report
Mark Ketner	Bonney Lake, WA	46	View Details
Mark Ketner	Apex, NC	35	View Details
Mark Ketner	Charlotte, NC	35	View Details
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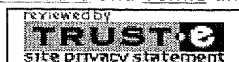


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Richardson, Julie

From: Timm Crowder [tcrowder@orieltherapeutics.com]
Sent: Saturday, April 07, 2007 4:23 PM
To: Richardson, Julie
Cc: Paul Atkins
Subject: FW: contact update

Julie, Paul asked me to forward what emails I had sent trying to track down Mark. Here is one and the next one I forward will be one I sent to his dissertation advisor. I'm not certain she hasn't retired.

I also called Vasu S on or about this date. Vasu was one of Mark's best friends in grad school.

Hope you're doing well.

Timm

-----Original Message-----

From: Timm Crowder
Sent: Mon 2/19/2007 4:01 PM
To: 'mketner@bme.unc.edu'
Cc:
Subject: contact update

Hi Mark,

I wonder if this email will work. I saw that you defended last year. Hope all is well. Can you update me on your contact info? I need to get a form to you to sign related to one of our patent application on which you are an inventor.

Cheers,
Timm

Timothy M. Crowder, Ph.D.
VP, Powder Technology
Oriel Therapeutics, Inc.
P.O.Box 14087
Research Triangle Park, NC 27709
919.313.1290 x11 (phone)
919.313.1295 (fax)
tcrowder@orieltherapeutics.com
www.orieltherapeutics.com

Richardson, Julie

From: Timm Crowder [tcrowder@orieltherapeutics.com]
Sent: Saturday, April 07, 2007 4:24 PM
To: Richardson, Julie
Cc: Paul Atkins
Subject: FW: update/Mark Ketner

-----Original Message-----

From: Timm Crowder
Sent: Mon 2/19/2007 4:09 PM
To: .unc.edu'
Cc:
Subject: update/Mark Ketner

Hi Carol,

I hope you're doing well.

I'm also trying to track down Mark Ketner. I need him to sign something related to a patent application on which he is an inventor. Do you have contact information for him?

Regards to those I still know in the department.

Best wishes,
Timm

Timothy M. Crowder, Ph.D.
VP, Powder Technology
Oriel Therapeutics, Inc.
P.O.Box 14087
Research Triangle Park, NC 27709
919.313.1290 x11 (phone)
919.313.1295 (fax)
tcrowder@orieltherapeutics.com
www.orieltherapeutics.com